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*Knowledge, Focus, Expertise*

**HENG WANG &  
ASSOCIATES P.C.**

March 11, 2021

**Via ECF**

Hon. Mary Kay Vyskocil  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: Luis Jaramillo, v. Ben Ashkenazy, et al.,  
Case No. 20-cv-10386 (MKV)(KHP)**

Dear Judge Vyskocil:

This letter is timely submitted pursuant to the Court's February 11, 2021 Order, wherein it directed this firm to inform the Court of the status of the case by March 12, 2021.

Based on contact information provided by defense counsel, I got in touch with Mr. Jaramillo's family, including his surviving spouse Maria Cecilia Benavides and his son Luis Antonio Jaramillo. They clearly informed me that the family would not pursue Plaintiff's claims. After a phone conference on February 23, 2021, I sent an email to Luis Antonio Jaramillo, which documented the substance of the phone discussion. (Exhibit 1) Accuracy of the information stated in my email was confirmed by his reply email on the same day. *Id.*

To be prudent, on February 25, 2021, I sent another email to Luis Antonio Jaramillo, asking them to let me know if they had a change of mind before I reported to the Court. *Id.* In said email, I advised that unless they inform me otherwise, I would report to the Court regarding their request to dismiss this lawsuit.

To make sure Ms. Benavides was fully aware my emails to her son, I also texted my above-mentioned emails her. (Exhibit 2) Ms. Benavides replied my text messages, stating "I'm aware of it."

As of today, I have not received any communication from the family indicating that they have had a change of mind. Given their clear intention to dismiss the lawsuit, and the ample notice provided to the family before the filing of this report, it appears that it is appropriate to dismiss the case. Assuming the Court will dismiss the case, it is requested that the dismissal still be *without prejudice* since it is not on the merit.

Respectfully submitted,

/s/ Heng Wang

By: Heng Wang, Esq.  
Heng Wang & Associates, P.C.  
*Counsel for Plaintiff*

cc: All counsel of record (Via ECF)

# EXHIBIT 1

[heng.wang@wanggaolaw.com](mailto:heng.wang@wanggaolaw.com)

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**From:** heng.wang@wanggaolaw.com  
**Sent:** Thursday, February 25, 2021 10:58 PM  
**To:** 'Luis Jaramillo'  
**Cc:** heng.wang@wanggaolaw.com  
**Subject:** RE: your father's labor law claims

Dear Mr. Jaramillo,

As I informed you, the judge is waiting for us to report the status of the case. Given our discussion regarding your father's lawsuit, I will write the judge to report that your family has no intention to pursue your father's lawsuit, and in fact has requested to dismiss it. However, I still want to give you and your mother at least one more week before I report to the Court. If you or your mother has a change of mind with respect to whether to pursue your father's claims, please let me know. Otherwise, after a week, I will file a letter with the Court and request the Court to dismiss the lawsuit.

Thank you!

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Heng Wang, Esq.

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**From:** Luis Jaramillo <carusnoctem@gmail.com>  
**Sent:** Tuesday, February 23, 2021 6:16 PM  
**To:** heng.wang@wanggaolaw.com  
**Subject:** Re: your father's labor law claims

Dear Mr. Heng Wang

I Luis A. Jaramillo have reviewed and I confirm the accuracy of this understanding.  
Thank you kindly.

—Luis A. Jaramillo

On Feb 23, 2021, at 5:55 PM, [heng.wang@wanggaolaw.com](mailto:heng.wang@wanggaolaw.com) wrote:

Dear Mr. Luis Antonio Jaramillo,

It was nice speaking to you over the phone this afternoon. During our phone call, you advised that your mother Maria Cecilia Benavides received my text messages regarding your father's lawsuit that we filed on his behalf. You also advised that your mother was with you during our phone call, and she is on the same page with you regarding the decision to drop the father's labor law claims that the estate may be able to take over. I advised you that if the estate continues to pursue your father's claims, we may be able to turn his claims into money for the estate. However, you indicated that it was your father's decision to pursue his lawsuit, and you and your mother do not want to deal with it. You advised that

you and your mother are your father's only two family members in the United States. You indicated that you intend to file a surrogate court proceeding shortly, and will request the surrogate court to appoint you or your mother as the fiduciary. Nonetheless, you clearly indicated that you and your mother's joint decision is that the estate will not pursue your father's claims, and consequently you and your mother request my office to dismiss your father's lawsuit.

I believe the above is an accurate summary of our phone conversation today. Please review and reply to confirm the accuracy of this understanding. Then I will report to the judge accordingly. Thank you!

--

Heng Wang, Esq.

# EXHIBIT 2



+1 (347) 454-8414 >

iMessage

Thu, Feb 18, 2:15 PM

Hi Cecilia, my name is Heng Wang. I am Luis' lawyer, and my law firm has filed a labor law lawsuit on behalf of Luis. Recently, we discovered that Luis passed away, which we have reported to the court. The court ordered the defendants to provide contact information of Luis' next of kin, which is how I got your contact information. I would like to discuss with you as to your family's intention with respect to Luis' labor law claims. Although he passed away, his estate may be still able to pursue the claims. Please call me at my cell phone number

[REDACTED] as soon as possible to discuss.

Fri, Oct 23, 5:04 PM



iMessage





+1 (347) 454-8414 >

possible to discuss.

Fri, Oct 23, 5:04 PM

Hi thanks for asking, some kidney problem I just.came from the hospital again

Mon, Nov 16, 3:11 PM

I will call u

Ok thanks

Fri, Jan 8, 4:02 PM

Luis, please call me right away when you get this message. I need to talk to you about an important issue for your case.

Thu, Feb 4, 12:45 PM

Luis, defendants offered \$25K to settle. Please call me ASAP to

This is the screenshot showing my last a few text messages with Luis.

You can also email me at [heng.wang@wanggaolaw.com](mailto:heng.wang@wanggaolaw.com)

Thank you!



iMessage





+1 (347) 454-8414 >

Thank you!

Wed, Feb 24, 9:12 PM



02.23.2021 email corr...

Hi, the above is the email communication with you son regarding our phone call yesterday regarding dropping Mr. Jaramillo's lawsuit.

Mon, Mar 1, 11:57 AM



02.25.2021 email to cli...

The above is the email I sent to your son on 2/25/2021. I want to



iMessage





+1 (347) 454-8414 >



02.23.2021 email corr...

Hi, the above is the email communication with you son regarding our phone call yesterday regarding dropping Mr. Jaramillo's lawsuit.

Mon, Mar 1, 11:57 AM



02.25.2021 email to cli...

The above is the email I sent to your son on 2/25/2021. I want to make sure you have it too, so I'm texting it to you.

Read 3/1/21

I'm aware of it. Thanks.



iMessage

